

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

FILED - MQ

April 8, 2021 10:05 AM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: mlc SCANNED BY: MLCedric Raynard Joyner Sr. #251901

(Enter above the full names of all plaintiffs, including prisoner number, in this action.)

2:21-cv-70

Paul L. Maloney - U.S. District Judge
Maarten Vermaat - Magistrate Judge

v.
Correctional Officer Bergeron, Correctional Officer Collins, Correctional Officers Paquin
Seg. Prisoner Counselor Salomea, Prisoner Counselor Plum, Licensed Medical Nurse Cicco
Correctional Officer Trystall, Correctional Officer Griefelder, Sergeant Correctional Officer Anderson (more on next pages)
 (Enter above the full name of the defendant or defendants in this action.)

COMPLAINT

I. Previous Lawsuits

CAUTION: The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in this and other federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding in forma pauperis and require you to pay the entire \$400.00 filing fee regardless of whether your complaint is dismissed.

- A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☒ No ☐
- B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.

1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.

U.S. District Court, 399 Federal Building 110 Michigan St., NW Grand Rapids 49503, U.S. Magistrate Judge
Maarten Vermaat

2. Is the action still pending? Yes ☒ No ☐

a. If your answer was no, state precisely how the action was resolved: I was given the option to
Appeal, but Claim denied at first District Level. Case No. # 2:20-CV-159

3. Did you appeal the decision? Yes ☐ No ☐

4. Is the appeal still pending? Yes ☐ No ☐

a. If not pending, what was the decision on appeal? Not submitted Appeal yet waiting
for assistance from ACLU and PAMII Agencies, or other Pro Bono Agencies. I've written

5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☐ No ☒

If so, explain: _____

II. Place of Present Confinement Chippewa Correctional Facility - 4269 West M-80 - Kincadee, Mich 49724

If the place of present confinement is not the place you were confined when the occurrence that is subject of instant lawsuit arose, also list the place you were confined:

Same

Page 1(B) Section (B) 1 thru 5 (Previous Filed Complaints)

2nd[#] Complaint Filed

Case No[#] 2:20-cv-00208 JTN-MV

United States District Court / Western District of Michigan / Northern Division

Honorable Janet T. Neff

330 Federal Bldg., 202 W. Washington St., P.O. Box 698, Marquette Mich 49855.

10-14-2020 Order of Partial Dismissal & Transfer / Dismissed with Prejudice

Case awaiting Appeal from ACLU and/or another Attorney.
Not connected to this case in anyway

3rd[#] Complaint Filed & Transferred Case from 2:20-cv-208

Case No[#] 4:20-cv-13211

United States District Court / Eastern District of Michigan / Southern Division

Honorable Stephanie Dawkins Davis

Theodore Levin United States Court House, 231 West Lafayette Blvd. Room #564
Detroit, Mich 48226

2-4-2021 Summarily Dis-missed / Seeking Assistance to File case again.

No connection to New case

III. Parties

A. Plaintiff(s)

Place your name in the first blank and your present address in the second blank. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff Cedric Raynard Joyce Sr. #251901
 Address 4269 West - M-80 Kincheloe, Mich 49784 {Chippewa Correctional Facility}

B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. If there are more than four defendants, provide the same information for each additional defendant. Attach extra sheets as necessary.

Name of Defendant #1 Correctional Officer Bergeron
 Position or Title Correctional Officer - Property Officer
 Place of Employment Chippewa Correctional Facility
 Address 4269 West M-80 - Kincheloe, Mich 49784
 Official and/or personal capacity? Personal

Name of Defendant #2 Correctional Officer Sergeant Anderson
 Position or Title Correctional Officer - Custody Officer
 Place of Employment Chippewa Correctional Facility URF-East
 Address 4269 West - M-80 Kincheloe, Mich 49784
 Official and/or personal capacity? Personal

Name of Defendant #3 Correctional Officer Collins
 Position or Title Correctional Officer - Custody
 Place of Employment Chippewa Correctional Facility URF-East
 Address 4269 West - M-80 Kincheloe, Mich 49784
 Official and/or personal capacity? Personal

Name of Defendant #4 Correctional Officer Paquin
 Position or Title Correctional Officer - Custody
 Place of Employment Chippewa Correctional Facility URF-East
 Address 4269 West M-80 Kincheloe, Mich 49784
 Official and/or personal capacity? Personal

Name of Defendant #5 Prisoner Counselor Ms. Solomon
 Position or Title Assistant Resident Unit Supervisor / Prisoner Counselor Segregation
 Place of Employment Chippewa Correctional Facility URF-East
 Address 4269 West M-80 Kincheloe, Mich 49784
 Official and/or personal capacity? Personal

III. Parties Continued. Page #2

B. Defendants

#6. Name of Defendant; Prisoner Counselor Mr. Plum
Position or Title; Assistant Resident Unit Manager / Prisoner Counselor
Place of Employment; Chippewa Correctional Facility URF-East
Address; 4269 West M-80 Kincheloe, Mich 49784
Official and/or personal capacity? Personal

#7. Name of Defendant; Mr. R. Batho
Position or Title; Assistant Deputy Warden
Place of Employment; Chippewa Correctional Facility URF-East
Address; 4269 West M-80 Kincheloe, Mich 49784
Official and/or personal capacity? Personal

#8. Name of Defendant; Ms. Teresa Corey-Spiker
Position or Title; Resident Unit Manager & R.U.M) Segregation
Place of Employment; Chippewa Correctional Facility URF-East
Address; 4269 West M-80 Kincheloe, Mich 49784
Official and/or personal capacity? Personal

#9. Name of Defendant; Correctional Officer Trestall
Position or Title; Correctional Officer / Custody
Place of Employment; Chippewa Correctional Facility URF-East
Address; 4269 West M-80 Kincheloe, Mich 49784
Official and/or personal capacity? Personal

III. Parties Continued. Page #3

B. Defendants. Ms. Cicco

10. # Name of Defendant; Ms. Cicco
Position or Title; Licensed Practical Nurse
Place of Employment; Chippewa Correctional Facility URF-East
Address; 4269 West M-80 Kincheloe, Mich 49784
Official and/or personal capacity? Personal

11. # Name of Defendant; Mr. M. McLean
Position or Title; Grievance Coordinator
Place of Employment; Chippewa Correctional Facility URF-East
Address; 4269 West M-80 Kincheloe, Mich 49784
Official and/or personal capacity? Personal

12. # Name of Defendant; Mr. Geinfelder
Position or Title; Correctional Officer / Custody
Place of Employment; Chippewa Correctional Facility URF-East
Address; 4269 West M-80 Kincheloe, Mich 49784
Official and/or personal capacity? Personal

13. # Name of Defendant; Mr. Westner
Position or Title; Sergeant Correctional Officer / Custody
Place of Employment; Chippewa Correctional Facility URF-East
Address; 4269 West M-80 Kincheloe, Mich 49784
Official and/or personal capacity? Personal

III. Parties Continued Page #4

14.* Name of Defendant; Mr. Blemke
Position or Title; Sergeant Correctional Officer/Custody
Place of Employment; Chippewa Correctional Facility URF-East
Address; 4269 West-M-80 Kincheloe, Mich 49784
Official and/or personal capacity? Personal

15.* Name of Defendant; Mr. Golladay
Position or Title; Correctional Officer/Custody
Place of Employment; Chippewa Correctional Facility URF-East
Address; 4269 West-M-80, Kincheloe, Mich 49784
Official and/or personal capacity? Personal

16.* Name of Defendant; Ms. Hense
Position or Title; Registered Nurse
Place of Employment; Chippewa Correctional Facility URF-East
Address; 4269 West-M-80, Kincheloe, Mich 49784
Official and/or personal capacity? Personal

17.* Name of Defendant; Ms. Smith
Position or Title; Registered Nurse
Place of Employment; Chippewa Correctional Facility URF-East
Address; 4269 West-M-80, Kincheloe, Mich 49784
Official and/or personal capacity? Personal

III. Parties Continued. Page #5.

- 18.* Name of Defendant; Melissa La Plant
Position or Title; Chippewa Health Care Unit Manager
Place of Employment; Chippewa Correctional Facility URF-East
Address; 4269 West-M-80, Kincheloe Mich 49784
Official and/or personal capacity? Personal

This situation involves a Disregard for Emergent Care at Chippewa Correctional Facility. On 6-21-2020 at approx 5:30 I was taken from Lime Unit-URF-East to Segregation. This was for the purpose of a Misconduct Hearing, which was not going to take place until 6-29-2020. Upon entrance into Segregation I was strip re-searched and asked about any health concerns I had, and what type of meal I ate. I informed Sergeant Anderson & the desk Officers about my Asthma problems and High Blood Pressure, Seizures etc... I then asked if I could have my inhaler back, that day I was having problems breathing and the temperature was above the 90's. I was told no and to get with the Property Officer. At that time I didn't know who that was, I was then taken to cell #414 Seg. Cell. When the Officer ^{C.O. Collins} opened the cell or put me in the cell the heat was terrible I asked him could he open a window. He stated "Yeah maybe" end quote. About 20 to 25 minutes passed and he returned with a window crank. The problem was that the window crank was too short and couldn't open the window. I told him that I have asthma and I'm not going to be able to breathe like this. There are no vents in Segregation cells any where. I told him that I didn't have my rescue inhaler. He stated and I quote "I'll tell some ^{body} about the window and the Nurse will be by." end quote. I had given them my detail which I had to keep in my pocket to receive my Diet Bag and special accommodations. The nurse came by RN ^{Wells} for Pill line and I told her I was having a serious problem breathing and that I didn't have my Rescue inhaler or Keppon Person Medication. I also suffer from High Blood Pressure and Heart Problems, I was hospitalized for surgery while in M.D.O.C custody See Records. C.O. Collins stated that the Nurse told someone. I continued to tell anyone that came by my cell that I needed assistance, (Sgt) Sergeants and Officers. and Supervisors (P.C. ARHS). A Nurse Chicka (Cicco) came by my cell that I had written a Grievance on her previously for threatening to spit in my drinking & medication cup, she has also been written up for withholding medication, also placing her hands inside of pill cups without washing her hands, etc. But my ^{problem} breathing was severe. So I asked her for help, she blatantly laughed at me. And said something that included the N word and gave no assistance. I also showed ~~the Nurse~~ the empty pill package that C.O. Bergeron had sent back to my cell and the empty inhaler. And not to confuse what I mean by empty inhaler, C.O. Bergeron only sent back the plastic container that holds the actual canisters from for the Albuterol sustains/formula and medication. I made it clear to P.C. Plum & P.C. Salomon that I couldn't breathe and it was too hot in the cell and that I didn't have my inhaler or Keppon Person (K.O.P) medication. I wrote Kites and also Kited C.O. Bergeron (the Property Officer). I explained in the Kite that C.O. Jackson of Lime Unit on 6-21-2020 had done the actual pack up of my Property (See Evidence #211 Prisoner (goldenrod) Copy) and had placed my inhaler and my K.O.P.s in my pack up. And that he had brought the copy of my Property Receipt to my cell (with the seal number 96093). During 6-22-2020 C.O. Collins brought back my Prisoner State Items, like underwear, T-Shirts, etc... This was done in a Gray Bin on a roller table/cart. That is when I received the 2nd Property Receipt, Evidence #626 C.O. Bergeron sent back the empty containers and placed the New Seal #89455 on the Green Duff.

On 6-22-2020 He (C.O. Bergeron) does a shake down of my property in which he takes 1 pr. of Hobbys Gym shoes, 1 set of Beard Trimmers, 2 Athletic Undershirts. He writes a Contraban Removal & Misconduct Report based on his search of my property. He states that he takes everything out of my property pack-up (Green Duffel Bag) to 1) retrieve my rescue Inhalers, 2) retrieve my Keep on Person Medication (K.O.P.), 3) retrieve my state issue clothing for Detention stay in Segregation & hygien material. C.O. Bergeron sends empty Parks and empty plastic containers for inhalers back to the Cell #44 Segregation. He then re-seals the Green Duffel Bag and writes the Seal Tag on the Property Receipt and places the Seal Tag on it. (See Evidence #432) also see time he finishes the Report on Contraban. I show the empty containers to Nurse Pearson, C.O. Collins, P.C. Plum, P.C. Solomon. No help given about rescue inhaler, Breathing Treatment or K.O.P.'s. I write another Medical Request, Nurse Chicksa (Lisco) takes one of them and knocks on the Door waves at me and laughs again. I also give one to my Case Manager and ask him to make sure that Health Service gets one. After doing this he comes back to my Cell and states that they have it. But that he can not go in to my Property because he's not a Health Provider. (See Case Manager/Mental Health Mr. McShirk) By 6-23-2020 I'm barely breathing at all. I have to lay on the floor next to the Door to get some type of air in the Cell. I'm freezing and coughing ext... I get the other inmates to help to try to get me some type of Medical help, by kicking on there Doors and Yelling for Help. "Still No Assistance" By 6-24-2020 another Kite is picked up by a Nurse with. I'm constantly try to beg for a Breath treatment when I can. My chest is in so much pain I'm out of it. I've passed out a couple of times. During the dates of 6-21-2020 thru 6-25-2020 while repeatedly, begging and asking for my inhaler or Medication or Breathing Treatment no help is given. (Fact) It's hard for me to explain to a person that doesn't have Asthma exactly what it feels like. But think of Slow Suffocation. On or about 6-24-25-2020. I'm finally allowed access to my Inhaler & K.O.P.'s. On each round while still in Segregation I kept asking for a Breathing treatment and to see a Doctor. This never happens even after I'm given the rescue Inhaler. I'm detained in Segregation until 7-03-2020 at approximately 9:00 AM I was released from Segregation, Cell #444 I was escorted to box and told that I would be going to Level 4 Round Unit. I was then shown a White Property Receipt which had the Seal Tag #89455 on it and told to sign it. I stated No because of the discrepancies about what was/is in my pack up. I told them if they let me go thru it now I'll sign. The Releasing Officer Ordaway states just take. I proceed to go to Round Unit #243 Level 4. My Cellmate was a Mr. Hunter I show him the evidence after I unpack. This in fact was the only time C.O. Bergeron goes into my Bag. While I'm in Segregation there no attempt by any Medical staff to stabilize my breathing or arrange for a Doctors visit. No Lung check, no check to see if it's related to the Corona Virus. My Breathing became worst and stayed increasingly painful. But the facts of the situation were revealed

As I unpack my Green Duffel Bag (Property) I find my inhaler and Keep on Person Medication. Both of them in there Original Containers. The Asthma rescue inhaler has the Bar Code No#1596802501 - Date of Birth 5-28-1967 - Dispenser - Date 2-29-2020 Start Date 2-26-2020 - Stop Date 8-24-2020 - Item No# 227 - Chippewa (URF-E) Martyn, Darretta, NP (Nurse Practitioner) / Schmidt / NDC-59310-59-22. I also find the Keep on Person Medication (K.O.P.s) Lisinopril/Zestril 5mg Bar Code No#6800103308-30 - Date of Birth 5-28-1967 - Dispenser 6-12-2020 / Start 6-08-2020 I also find the Ecotrin Keep on Person (K.O.P.s) medication. See copy of Inhaler {Evidence #651} I had already started the Grievance Process {although I dont have a Constitutional Right to a Institutional Grievance} I wanted to document everything that had happened. As you can see there were several written attempts made to gain some assistance from anyone, also there were several verbal pleas to get help from supervisors, P.C's, ~~ARUM~~ & Nurses. This was for a severe chronic health problem that I can die from. Health Services was aware of the issue but no help was given. There was a serious concern that the actions of withholding my rescue inhaler or not allowing for me to use a nebulizer (Breathing Treatment Machine) would result in my lungs to stop functioning. And that would have resulted in my Death. The Nursing Staff as well as my records will show that I need to have access to my inhaler at all times. After finding the inhaler in the property and the Keep on Person Medication. It was self evident that the Property Officer never ment to give me my inhaler and That he had lied about going into my Property Bag twice to retrieve my medication. These acts of barbarous conduct when Custody Officers and Nurses were made aware of the ~~consequences~~ ~~eminate~~ results that could result from withholding medication or giving assistance. Not to mention if in fact I was having some other type of issue. With the Corona-Virus or Not. Also even after the Asthma Attack I submitted several Medical Request for a ^{Medical} Providers (evaluation) I was never seen. ^{Date;} Not even after Grievances were written. Submitted By: Cedric R. Joyce #251901 3-23-2021 for Help. I continued to have severe breathing problems for the next 2 to 3 months. Signature: Cedric R. Joyce

Subscribed and Sworn to
before me a Notary Public,
this 23rd day of
March
2021
JD Campbell

My Commission Expires
08/21/2021

IV. Statement of Claim

State here the facts of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

I was released from Segregation Cell #111 to Level 4-Round Unit 500 Cell #243. When I was released I continued to have serious breathing problems from my Asthma and Chest Pains. I wrote several Kites about the issues, some of the Kites I wrote to Mental Health because I didn't know if the Mental Health medication was the issue or not. Several times Health Services intercepted the Kites that I had written about chest pains and shoulder and neck pains that I sent to Mental Health Services. They wouldn't pass on the information, they would send back incorrect replies and when I would see my Case Manager or Mental Health Provider Dr. Wilanowski they would question why health services were stopping Kites designated for Mental Health. The issue about my breathing treatments was the main issue. On the Morning of 7-19-2020 at approx 6:20 AM when I left my Unit I was having problems breathing I used my inhaler (Albuterol) ^{rescue} ~~inhaler~~. He has to walk like 2 city Blocks to Chow and back to the Unit. (4 Blocks) When I arrived at the chow Hall I was totally out of breath and was light headed. I suffer from Seizures and Asthma. I went to the desk that they have in the Chow Hall where Sergeants, Lieutenants, Captains, Supervisors run the Chow Hall. Health Services is right next door maybe 10 feet. There was a Sergeant Blenke in the Chow Hall I explained to him the situation I was having and that I have serious asthma. He stated and I quote. You have to go back to your ^{Unit} to tell them. By the time I got back to my Unit my whole side Both A side & B side were totally locked down. When C & D side is out your (our) side is locked down. When I arrived back at the Unit I went to the Unit Control Cage (Round Unit has a Cage surrounding the control module.) I went up to the cage by myself & this is important because no one else is out & I tell them Correctional Officer Trestall that I'm having trouble breathing and the Sergeant in the Chow Hall stated I need to get my Unit to send me to Health services. The Correctional Officer Trestall laughed and told me to go to my cell and said he'd call Health Services. { You can see all this on camera and myself going to my cell #243 Bwing } * See Aster next pag
{ Also I have a detail not to be on a floor that has more than 3 steps. I questioned

2nd

that when I was assigned ~~in~~ ^a cell. Correctional Officer Greenleaf told me that my Details don't mean S in Chippewa find someone who cares. Just by chance a Nurse Smith was standing there while I was there and insured the Officer that my Details were current and legitimate. C.O. Trestall was reminded several times, repeatedly by the use of the Emergency Button on the Wall of my Cell ~~at~~ ^{of} a Medical Emergency. Then again by my Cellie-Bunkie inmate Hunter 2 times and other inmates. I reminded each Correctional Officer that I could when I made it to the door. My cellmate also told them that I needed help. No help was given by 1st shift at all. Second shift came and I ~~continued~~ ^{kept} continued to try to get help from the Unit Officers. No one would acknowledge me other than "if you want a Misconduct Keep bothering me. Sometimes they would {C.O. Ballarday or C.O. Geinfelder} ^{state} keep pressing your button and your going to the Hole {Segregation}. I waited until we were called for Dinner-Chow Hall movement and went to the Unit (Desk & Cage) and told C.O. Geinfelder that I have been trying to get help for my Asthma and that I can not breath. He stated "O Yeah I've been meaning to do something about that" end Quote. I left and went to chow to see if I could get a Supervisor, Sergeant, Lieutenant, ect... Help about the situation and get a breathing treatment. I spoke to the highest ranking person I could find a Sergeant Westner (Chow Hall) He stated that's not my problem get with your Unit Officer. I went back to the Unit and again spoke to Correctional Officer Geinfelder and repeated what the Sergeant Westner had told me. Correctional Officer Geinfelder stated "Yeah life" end quote then gave me a direct order to back down or go to the Hole / Segregation. I stressed that I needed help and he stated again go back down and I'll call. I tried to get someone to call, then locked down in my cell to avoid having to go to Segregation. I take Evening Medication, Medication Line is held in the Unit in here. Around 5:30 PM I was called out to P.M. Med Line and Nurse Smith was running the Pill line. When I got up to the opening in the Cage where you stick your hand in to receive your Medication Correctional Officer Geinfelder was seat next the window while Nurse Smith was standing handing out the Medication. {See Grievance URF. 2007-1974-17 I and surveillance camera directly above} I told Nurse Smith that I had been trying to go to Health Services for a Breathing Treatment, and that the Nebulizer

Health Services. The Officer didn't try to deny it he was caught. He stated and I quote. "I did call" end quote Nurse Smith stated I didn't receive any call. end quote. Then C.O. Geintfielder changes his entire explanation as to why he didn't call. He then states and I quote. "I got busy doing other S, shes here any way" end quote. Nurse Smith then stated that since she didn't get called that she still had Segregations Pill line to do, So to wait until I get finish and I'll call you over." end Quote. I told Nurse Smith that I had been having trouble breathing all day and both 1st shift and 2nd shift wouldn't call to get a protical check on my breathing. She left and didn't send me even though there was another Nurse in Health care already. She did nothing to see if my blood pressure was high in other words no protical at all. About 20 to 30 minutes went by and I was called to Health Services Clinic {See Pass Evidence #723 see time} Signed by Galladay who was also there and I asked to call Health Services also, he stated "Not a chance" end quote. He refused to even write a time on the pass. When I finished my breathing treatment I asked (Ms.) Correctional Officer Aschertz to sign the pass. But lets go back I arrive at the Clinic and Nurse Smith wasn't there, my Nebulizer Breathing tube and 2 medication treatments were sitting on the Correctional Officers Desk. There was no breathing protical done, but I immediately did both treatments. After the treatments I wanted to get protical check but No Nurses were in the Health Services Area. My breathing is still shallow and my chest and head are Aching. I ask the C.O for some Aspirin and a Nurse opens up the pill line window. The fact of the matter is that the officers on 1st or 2nd shift refused or elected not to Notify Health Services of an Inmate that maybe having a Breathing Problem, either because of his Chronic Asthma or a New Corona Virus issue. No Medical Protocal was done while I was in Health Services, no temperature, No Air Flow check, No Oxygen level eat... There was also a issue made that at times that Food Services was running that they wouldn't send me. I have included several Pass with dates. They state that this was a security issue see time, dates and camera footage. of Yard and Health Services lobby. All other times they send me while Chow and other things are running.

Submitted By: Cedric R. Joyne
#251901 3-23-2021
Date: _____
Signature: Cedric R. Joyne

As to Claim #1.

The Supreme Court has stated that Deliberate Indifference to serious medical needs of prisoners constitutes the "unnecessary and wanton infliction of pain" *Estelle v. Gamble*, 429 U.S. 97, 104, 97 S.Ct. also *Cottrell v. Caldwell*, 85 F.3d 1480. Also 8th Amendment actual Knowledge Deliberate Indifference requirement. See *Garretson v. City of Madison Heights*, 407 F.3d 789, 798 Distinguishing the 8th Amendment and Due Process standards in this area, Life and Health are just as precious to convicted persons as to prison employees or private citizens. These Defendants had actual knowledge of an objectively cruel condition (in medical cases, a serious medical need) and did not respond reasonably to the risk. A prison Guard or Nurse cannot fail to respond to a patient's or inmate's cries for help merely because they feel that the person is alright or faking it. There are Protocols for medical emergency such as Asthma. See *Vaughn v. Gray*, 557 F.3d 904, 909. Also *Scialuna v. Wells*, 345 F.3d 441, 446. Inmate/Patient C. Joyce #251901 stated what he believed the problem was and the Defendants knew of his Documented History of Hospitalization with (Asthma) See *Estate of Carter v. City of Detroit*, 408 F.3d 304, Officer, and Nurses heard repeated coughing and gagging, request for medical attention was ignored. Both Verbally & In Writing) Officers refused to get assistance or to open a window for any type of ventilation See *Clement v. Gomez*, 298 F.3d 898, 905. Nurses and Correctional Officers knew the exact consequences of their actions but disregarded it. See *Dominguez v. Correctional Medical Services*, 555 F.3d 543, 550 Serious diagnosis for (Asthma) and (Heat related illness) had already been diagnosed at the Facility ie (M.D.O.C). This was enhanced by the fact #1) The inmate had in his possession a Detail (Medical Alert) issued by Health Care Providers (Doctors) alerting them to the seriousness of confinement issues. #2) He also had his Rescue Inhaler taken away from him. Which would sustain his life and give some type of Relief if given before his condition was compromised. See *Mata v. Saiz*, 427 F.3d 745, 756. Again Chronic Asthmatics (and in this case) that have been previously intubated, or had trachea-tube respiratory aid for asthmatic attacks are serious issues that need immediate attention. A current Detail for at least 3 Nebulizer Breathing treatments a day was currently in effect at the time of the Instant Offense. Respiratory infections and actual progressive failure of lung Breathing capacity in the future even if he survived. See *Spencer v. Shehan*, 158 F.Supp. 2d 837. In Standing with the 8th Amendment and Deliberate Indifference 4) medical staff had prescri

treatment and b). when people (patients) don't get prescribed medical treatment, their health may be damaged. See *Farmer v. Brennan*, 54(511) U.S. 825. Also *Dominquez v. Correctional Medical Services*, 555 F.3d. 543. In many cases Federal Courts have found that Official could be found Deliberate Indifferent if they "knew of a continuing pattern of culpable failures by guards or other prison staff to refer to health providers those prisoners with culpable complaints or manifest symptoms. See *Aljina-Ortiz v. La Boy*, 400 F.3d. 77, 81-82. We hope to prove by Medical Studies from the Asthma & Allergy Foundation of America (Arlington, VA) That sudden Asthma attacks or progressive exposure to those items, situations or incidents. That trigger a persons Asthma or Allergy can result in death in as little as 30 minutes. Again in this Instant Offense the situation was only magnified by Correctional Officer Bergeron's actions. When he willingly lied about not finding the Medication the Pack Up of Personal Belongings. ^{a)} About going to search for the Medication twice. ^{b)} The retaliation of pass Grievances against him. We are aware that there is No Federal Law or Constitutional format concerning Prisoner Grievances. But the statements in Question were made by the Officer voluntarily by Correctional Officers and Nurses. Certain Nurses such as L.P.N Cicco (chicka) has been written up numerous times and current under investigation. The acts of these individuals could have in fact resulted in the Death and/or Murder of the Plaintiff. And did in fact lead to further physical harm and damage of Mr. C. Joyce (*251901) capacity to breath. And these actions are Directly related to the 2nd Claim

Cedrick Joyce
Signature

3-23-2021
Date

Subscribed and sworn to before
me a Notary Public, this
23rd day of

March 2021
D Campbell

My Commission Expires
08/21/2021

Claim #1

To Do

*251901

Do to the withholding of vitale medication to Mr. Cedrick R. Joyce he could have died. There was serious hardship and injury done which could have been avoided. There are certain protocols that should have been followed to avoid risking the life of Mr. C. Joyce. Even when the inmate was on the floor of the cell no assistance was given. The (8th) Eighth Amendment guards against cruel and unusual punishment. It's underlining definition in one stance is "Not to be barbarous" nor may it contravene society's "evolving standards of decency". The Amendment therefore prohibits conduct by prison officials that involves the "unnecessary and wanton infliction of pain" In this situation Mr. C. Joyce had a previous diagnosis for his condition which was/is Asthma. M.D.O.C records will support this, current records at the holding facility Chippewa Correctional will prove this. Mr. C. Joyce has been hospitalized and placed on several Health Details to control this problem. The Albuterol inhaler and Qvar inhaler are essential medical care for this inmate. These medicines, along with the K.O.P's (Keep on Person) medication were infact issued by a Medical Doctor employed by the M.D.O.C and stationed as a Residency of the Chippewa Correctional Facility. Withholding these medication made prison confinement conditions intolerable. Several prison Officials acted with Deliberate Indifference when they refused to give this inmate his medication or give assistance to sustain his life. And these individuals were notified in writing, and verbally and by other Employees that could not open the Cell doors to help. (Willing) State employees that will testify as to the lengths taken to gain access to life sustaining medication. We are in a Pan-demic in which Respiratory failure is eminate. No evaluation was done to minimize the threat to Mr. C. Joyce or the rest of the population of Chippewa Correctional Facility. We ask the Court to allow us to bring forth more evidence and witness either by Affidavit or testimony to show that this was a known and disregarded risk to a person/inmates health and safety. But we will also prove by tangible evidence that (C.O) Correctional Officer Bergeron died over and over about the events that took place. And was added by certain Officials/employees to try to cover up these acts. We will show and prove that both Correctional Officer Bergeron and ~~Nurse~~ Nurse Cicco (Chicka) use this event, opportunity to inflict as much pain and discomfort and maybe even deaf. To retaliate for previous write ups and Grievances that resulted in Supervisor inter-vention and Restrictions. Non-of what resulted from the withholding of his medication Was Self inflicted. We ask that all avenues to resolve this type of behavior be available Meaning. Restitution on the grounds of compensatory, penal fees, & nominal fees. in the amount of \$25,000.00 to \$50,000.00 This would include all lawyer fees, copy fees, Mailing fee

Date 3-23-21 Submitted By. Cedrick R. Joyce

*251901

Signature

Cedrick R. Joyce


Claim #1.

The officers named in this Complaint acted with disregard to the health and well being of a persons/inmates health and life. The 8th amendment grants that all citizens whether being incarcerated or detained. That they be free from unwanton "barbarous" behavior nor may it contravene's society's "evolving standards of decency". The Amendment, therefore, prohibits conduct by prison officials that involves the "unnecessary and wanton infliction of pain." In this case an Asthma attack would have been a slow suffocation of breathing, resulting in respiratory failure. There was a standing Order for this inmate to receive as many as (3) three breathing Treatments a day. Named officers refused to comply with a written order by a Medical Doctor to allow the inmate/person to access this equipment and medication. Verbal statements stating that "He was having problems breathing" end quote were made. This was not a mere inconvenience of incarceration or confinement. But this was a blatant "extreme deprivation of health and life". Serious risk were self evident and protocols have been put in place to avoid this type of behavior by Prison employees, Training by the Michigan Department of Corrections have been given to Custody Officials to notify Medical when "Life" is being threatened by a medical problem. No phone call was made, And evidence will show that there was several attempts to work inside of the Rules, Laws, & Guidelines of State requirements to access Help in order to sustain life. Pain and Suffering was inflicted and "Recklessness" an act or failure to act that demonstrates a Deliberate, (willful) Indifference or wanton disregard of a substantial and unjustifiable risk without reasonable caution for the rights, safety of others. These Defendants acted with knowledge and understanding with respect to a material element of an circumstance(s) exist. We ask that if the said Defendants state that they don't or didn't have training to resolve or deal with this (these) types of issues. then an Injunction be sought to implement these rules, protocols or duties To diminish, stop the risk of Death and the infliction of Pain. We ask to bring forth footage, Passes, Details to prove said allegations. And ask for compensatory damages, punitive damages and nominal fees. Resulting in the amount of \$10,000.00.

Submitted By Cedric R. Joyce

Date 3-23-2021.

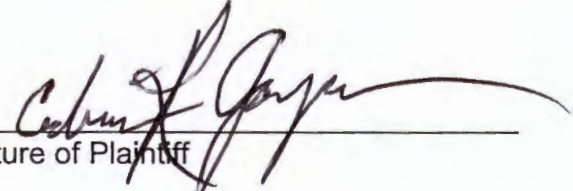
Signature

#251901


Claim #1 was a result of Employees Deliberate Indifference to a inmates Health and life. Employees of the State of Michigan elected to deny Mr. L. Joyce his medication which was vital to his life. There was no assistance rendered given after Pleas for help both verbally and written. Which almost resulted in the death of inmate Cedric R. Joyce #251901. We ask the Court to hear Oral arguments and tangible evidence to support these acts. Claim #2 in part was a direct result of the first event and will show that the Defendants acted with Deliberate Indifference and Negligence to a prisoners life and Health & Safety. We ask the court to allow us to show evidence and to hear Oral arguments about the events that took place. These are violations of the constitution which protects all citizens (inmate) also against barbarous acts and negligence.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed (signed) on 3-23-2021 (date).


Signature of Plaintiff

Subscribed and sworn to before
me a Notary Public, this 23rd
day of March 2021
B Campbell

My Commission Expires
08/21/2021

Mr. Cedric R. Joyce #251901
Chippewa Correctional Facility
4269 West - M-80
Kincheloe, Mich 49784

To: 2
3

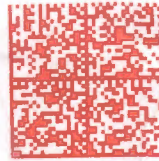


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